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EXAMINER

PIERRE, MYRIAM

ART UNIT

PAPER NUMBER

2626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/805,781	Applicant(s) ABREGO ET AL.	
	Examiner Myriam Pierre	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/26/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This communication is in response to Remarks, filed 09/26/06.
2. Claims 1-47 are pending. Claims 1, 21, and 41-47.

Response to Arguments

3. Applicant's arguments filed 09/26/06 have been fully considered but they are not persuasive.

Applicant argues that Ellozy (5,649,060) nowhere teaches a narration provided by a narrator. This argument is not persuasive. Ellozy teach audio transcript, the narrator is in the form of the audio voice, col. 7 lines 20-30. Therefore, Ellozy do teach a narration provided by a narrator.

Applicant argues that Ellozy (5,649,060) nowhere teaches to identify respective subject matter locations in said audio/video. This argument is not persuasive. Ellozy teach labeling which the time stamp is related to the audio and video portion in order to easily look up subject matter, col. 8 lines 3-10; col. 3 lines 54-59; and col. 6 lines 61-65; the mapping module works as a label manager that stores, via a text storage device, and generates labels regarding audio/video. Therefore, Ellozy do teach identify respective subject matter locations in said audio/video.

Applicant argues that Ellozy (5,649,060) nowhere teaches unable to generate labels in real time and to verbally control and interact. This argument is not persuasive. Ellozy teach col. 8 lines 3-10; col. 3 lines 54-59; and col. 6 lines 61-65; the mapping module works as a label

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manager that stores, via a text storage device, and generates labels regarding audio/video.

Therefore, Ellozy do teach generate labels in real time and to verbally control and interact.

Applicant argues that Ellozy (5,649,060) nowhere teaches a validation graphical user interface for interactively evaluate delete and edit said text labels. This argument is not persuasive. Ellozy teach indexing in order to edit, col. 1 lines 29-35. Therefore, Ellozy do teach validation graphical user interface for interactively evaluate delete and edit said text labels.

a. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Applicant argues that Durlach fails to teach "a label-search GUI on a display of said electronic device, a system user viewing said labels and corresponding representative images from said audio/video data for selecting a search label. This argument is not persuasive. Durlach does teach wherein said electronic device is implemented as an audio/video camcorder device (col. 1 lines 43-55) to provide consumers general-purpose computer animation packages, in which creating a new movie image content is relatively inexpensive and straightforward even for the individual consumer, col. 1 lines 43-55. Therefore, Durlach do teach a label-search GUI on a display of said electronic devise, a system user

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viewing said labels and corresponding representative images from said audio/video data for selecting a search label.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3-16, 18-21, 23-36, 38-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Ellozy et al. (5,649,060).

As to claim 1, Ellozy et al. teach

A system for cataloguing electronic information, comprising:

an electronic device that captures audio/video data corresponding to a photographic target, said audio/video data including a narration provided by a narrator to identify respective subject matter locations in said audio/video data (Fig. 2 col. 4 lines 52-56);

a speech recognition engine that automatically performs a speech recognition process upon said narration to generate labels that correspond to respective subject matter locations in said audio/video data (col. 8 lines 3-10); and

a label manager that manages a label mode for generating and storing said labels, said label manager also controlling a label search mode for utilizing said labels to locate said respective subject matter locations in said audio/video data (col. 8 lines 3-10; col. 3 lines 54-59; and col. 6 lines 61-65; the mapping module works as a label manager that stores, via a text

storage device, and generates labels regarding audio/video).

Claim 21 is directed toward a method to implement or execute the system of claim 1, and is similar in scope and content of claim 1, therefore, claim 21 is rejected under similar rationale.

As to claims 3 and 23, which depend on claims 1 and 21, Ellozy et al. teach wherein said speech recognition engine is configured in a simplified configuration that efficiently compares said narration with acoustic models to identify phone strings that represent said narration, said speech recognition engine referencing a compact dictionary to look up recognized vocabulary words that correspond to said phone strings, said speech recognition engine utilizing a limited set of recognition grammar to form said recognized vocabulary words into said labels that are supported by said speech recognition engine (col. 7 lines 20-30 and col. 3 lines 44-50).

As to claims 4 and 24, which depend on claims 1 and 21, Ellozy et al. teach wherein said label manager initially instructs said electronic device to enter a real-time label mode for creating and storing said labels, said electronic device concurrently capturing said audio/video data and said narration after said label manager instructs said electronic device to enter said real-time label mode (col. 6 lines 66-67 and col. 7 lines 1-5).

As to claims 5 and 25, which depend on claims 1 and 21, Ellozy et al. teach wherein said electronic device enters a real-time label mode in response to a verbal label-mode command from a system user, said verbal label-mode command being recognized and

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provided to said label manager by said speech recognition engine (col. 3 lines 44-50; col. 8 lines 3-10; and col. 6 lines 61-65).

As to claim 6 and 26, which depends on claims 1 and 21, Ellozy et al. teach wherein said speech recognition engine automatically generates said labels as said electronic device captures said audio/video data and said narration (col. 8 lines 3-10).

As to claims 7 and 27, which depend on claims 1 and 21, Ellozy et al. teach wherein a post processor performs a post-processing procedure upon said labels in a real-time label mode, said post-processing procedure including a validation procedure using one or more confidence measures to eliminate invalid labels that fail to satisfy pre-determined validation criteria (col. 7 lines 53-63).

As to claims 8 and 28, which depend on claims 1 and 21, Ellozy et al. teach wherein said label manager stores said labels during a real-time label mode, said labels being stored along with meta-information that associates each of said respective subject matter locations to a corresponding one of said labels (col. 8 lines 3-10).

As to claims 9 and 29, which depend on claims 1 and 21, Ellozy et al. teach

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wherein said electronic device initially captures said audio/video data and said narration prior to entering said label mode (col. 8 lines 3-10).

As to claims 10 and 30, which depend on claims 1 and 21, Ellozy et al. teach wherein said label manager instructs said electronic device to enter a non-real-time label mode for creating and storing said labels, said electronic device responsively retrieving and playing back said audio/video data and said narration (col. 7 lines 50-55 and col. 8 lines 3-5 and 7-10).

As to claims 11 and 31, which depend on claims 1 and 21, Ellozy et al. teach wherein said speech recognition engine automatically generates said labels by analyzing said audio/video data and said narration as said electronic device plays back said audio/video data and said narration (col. 4 lines 19-28 and col. 5 lines 1-2).

As to claims 12 and 32, which depend on claims 1 and 21, Ellozy et al. teach wherein a post processor performs a post-processing procedure upon said labels in a non-real-time label mode, said post-processing procedure including a validation procedure using one or more confidence measures to eliminate invalid labels that fail to satisfy pre-determined validation criteria (col. 7 lines 53-60).

As to claims 13 and 33, which depend on claims 1 and 21, Ellozy et al. teach wherein said label manager coordinates a label validation procedure for validating said

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labels, said label manager generating a validation graphical user interface upon a display of said electronic device for a system user to interactively evaluate, delete, and edit said labels (col. 4 lines 19-28).

As to claims 14 and 34, which depend on claims 1 and 21, Ellozy et al. teach wherein said label manager coordinates a label validation procedure for validating said labels in response to verbal validation commands from a system user, said verbal validation commands being recognized and provided to said label manager by said speech recognition engine (col. 3 lines 50-53 and col. 4 lines 28-31 and 61-67 and col. 7 lines 51-55; validation is done via alignment, time stamping and confidence scoring).

As to claims 15 and 35, which depend on claims 1 and 21, Ellozy et al. teach wherein said label manager stores said labels in a non-real-time label mode, said labels being stored along with meta-information that associates each of said respective subject matter locations to a corresponding one of said labels (col. 4 lines 9-19).

As to claims 16 and 36, which depend on claims 1 and 21, Ellozy et al. teach wherein said label manager instructs said electronic device to enter said label search mode during which a system user interactively selects a search label for performing a label search procedure to locate a specific one of said respective subject matter locations corresponding to said search label (col. 4 lines 19-27; col. 3 lines 51-53 and col. 7 lines 50-59).

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As to claims 18 and 38, which depend on claims 1 and 21, Ellozy et al. teach wherein a system user selects a search label by issuing a verbal search-label command, said verbal search-label command being recognized and provided to said label manager by said speech recognition engine (col. 3 lines 51-53 and col. 7 lines 50-59).

As to claims 19 and 39, which depend on claims 1 and 21, Ellozy et al. teach wherein said label manager instructs said electronic device to automatically locate and retrieve a specific one of said respective subject matter locations in response to a system user selecting a search label (col. 4 lines 65-67 and col. 5 lines 1-2; automatic location is done via the time stamping of the transcripts).

As to claims 20 and 30, which depend on claims 1 and 21, Ellozy et al. teach wherein said electronic device automatically plays back a specific retrieved one of said respective subject matter locations from said audio/video data for viewing by said system user (col. 4 lines 65-67 and col. 5 lines 1-2).

Claim 41 is directed toward a computer readable medium to implement or execute the system of claim 1, and is similar in scope and content of claim 1, therefore, claim 41 is rejected under similar rationale.

Claims 42-47 are directed toward a system to implement or execute the method of claim 21, and is similar in scope and content of claim 21, therefore, claims 42-47 is rejected under similar rationale.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 17, 22 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellozy et al. (5,649,060) in view of Durlach (6,807,367).

As to claims 2 and 22, which depend on claims 1 and 21, Ellozy et al. teach electronic device (col. 3 lines 60-61, text storage device, which can be stored on a tape or disk).

Ellozy et al. do not explicitly teach wherein said electronic device is implemented as an audio/video camcorder device.

However, Durlach does teach wherein said electronic device is implemented as an audio/video camcorder device (col. 1 lines 43-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the indexing of audio and text using speech recognition stored on a text storage device into the camcorder of Durlach, because Durlach teaches that this would provide consumers general-purpose computer animation packages, in which creating a new movie image content is relatively inexpensive and straightforward even for the individual consumer (Durlach, col. 1 lines 43-55).

As to claims 17 and 37, which depend on claims 1 and 21, Ellozy et al. teach wherein said label manager generates a label-search on an electronic device, a system user viewing said labels and corresponding representative images from said audio/video data for selecting a search label (col. 3 lines 51-53; col. 3 lines 53-59 and col. 7 lines 50-59).

Ellozy et al. do not explicitly teach display.

However, Durlach does teach a GUI on a display (col. 1 lines 12-17).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the indexing of audio and text using speech recognition stored on a text storage device into a display of Durlach, because Durlach teaches that this would provide a movie display system to interactively implement and provide for dynamic selection of displayed movie segments and control of the temporal presentation rate of these segments, col. 1 lines 12-17.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Myriam Pierre whose telephone number is 571-272-7611. The examiner can normally be reached on 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Myriam Pierre
AU 2626
12/20/06


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